

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>Criminal Action No. 1:23-00070-JB</b>
	)	
<b>CRAIG D. PERCIAVALLE,</b>	)	
<b>JOSEPH A. RUNKEL, <i>and</i></b>	)	
<b>WILLIAM O. ADAMS,</b>	)	
<b>Defendants.</b>	)	

**ORDER**

This criminal proceeding is before the Court on the “Motion to Continue Trial Setting” jointly filed on June 17, 2024 (Doc. 113), by the Defendants, **CRAIG D. PERCIAVALLE, JOSEPH A. RUNKEL, and WILLIAM O. ADAMS.**<sup>1</sup> Said motion requests that the Court continue trial for the Defendants from its current January 2025 trial setting to the October 2025 criminal term. The Government has filed a response (Doc. 116) in opposition to the motion, arguing that a trial continuance is unnecessary, and alternatively that trial should only be continued to April 2025 at the latest.

A period of delay is excluded from computing the time period within which a criminal trial must commence under the Speedy Trial Act of 1974, 18 U.S.C. § 3161 *et seq.*, if it “result[s] from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the

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<sup>1</sup> The assigned District Judge has referred said motion to the undersigned Magistrate Judge for appropriate action under 28 U.S.C. § 636(a)-(b), Federal Rule of Criminal Procedure 59, and S.D. Ala. GenLR 72(a). *See* S.D. Ala. GenLR 72(b); (6/17/2024 electronic reference notation).

Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).<sup>2</sup> Section 3161(h)(7) “places broad discretion in the District Court to grant a continuance when necessary to allow further preparation.” *United States v. Rojas-Contreras*, 474 U.S. 231, 236, 106 S. Ct. 555, 88 L. Ed. 2d 537 (1985).

Upon due consideration of the parties’ briefing, the factors set forth in § 3161(h)(7)(B), and all other relevant and appropriate factors, the undersigned finds that the ends of justice served by delaying trial until October 2025 outweigh the best interest of the public and the Defendants in a speedy trial. In so finding, the undersigned largely agrees with the Defendants’ arguments regarding the unusualness and complexity of this case due to the nature of the prosecution and the voluminous amounts of discovery material involved. Accordingly, the Government’s objections to the present motion are **OVERRULED**, the motion (Doc. 113) is **GRANTED**, and trial for the Defendants is **CONTINUED** to the Court’s **OCTOBER 2025** criminal trial term. The period of time between January 2025, and the commencement of trial in October 2025 is **EXCLUDED** from computing the time period within which this criminal trial must commence under the Speedy Trial Act under § 3161(h)(7)(A).<sup>3</sup>

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<sup>2</sup> The Court previously continued trial to its current January 2025 setting under § 3161(h)(7)(A), on the Government’s unopposed motion. (*See* Docs. 75, 84).

<sup>3</sup> *See* S.D. Ala GenLR 72(a)(2)(N) (authorizing the magistrate judges of this district to issue “orders determining excludable time under 18 U.S.C. § 3161”).

Each Defendant is **ORDERED** to execute and file a Speedy Trial Waiver in connection with this requested continuance no later than **AUGUST 11, 2024**. The waiver must be signed by both the Defendant and his counsel, and must either be on or substantially conform to the form waiver attached hereto.

In light of this continuance, the parties are **ORDERED** to confer and file a joint document setting out any proposed changes to the Court's October 5, 2023 scheduling order (Doc. 89) no later than **AUGUST 11, 2024**. The parties should endeavor to agree on any proposed changes. However, to the extent there are areas of good-faith disagreement, the parties should set out their respective positions in the joint document.

Finally, all Defendants are set for an **in-person** pretrial conference before the undersigned on **AUGUST 15, 2024**, beginning at **2:00 P.M. (Central)**, in **Courtroom 5B** of the United States District Courthouse at 155 St. Joseph Street, Mobile, Alabama 36602.

**DONE and ORDERED** this the 11<sup>th</sup> day of **July 2024**.

/s/ Katherine P. Nelson

**KATHERINE P. NELSON**

**UNITED STATES MAGISTRATE JUDGE**